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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of the Amateur Service	)	WT Docket No. 96-188
Rules to Authorize Visiting	)	
Foreign Amateur Operators to	)	RM-8677
Operate Stations in the United	)	
States.	)	

To: The Commission

REPLY COMMENTS OF

THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

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## SUMMARY

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, submits its Reply Comments relative to the Notice of Proposed Rule Making (the Notice), 11 FCC Rcd. 11768, released September 20, 1996. The Notice proposes to amend the Amateur Service rules to implement two existing international agreements which will simplify and accommodate amateur operation in the United States by visiting foreign radio amateurs. The League's instant reply comments address two comments filed in this proceeding in particular.

There have been no comments filed to date in this proceeding which oppose the facilitation of foreign amateur operation in the United States by means of the *Inter-American Convention on an International Amateur Radio Permit*, AG/doc.3216/95 (the "IARP Convention"), to which the United States is currently a party, or the *CEPT Recommendation T/R 61-01*, (Nice, 1985, revised, Paris, 1992, and by Correspondence, August, 1992) (the "CEPT Recommendation").

These reply comments address some of the specific issues in the implementation of the two international agreements.

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**REPLY COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED**

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules (47 C.F.R. §1.415), hereby respectfully submits its Reply Comments relative to the *Notice of Proposed Rule Making* (the Notice), 11 FCC Rcd. 11768, released September 20, 1996. The Notice proposed to amend the Amateur Service rules to implement two existing international agreements which will simplify and accommodate amateur operation in the United States by visiting foreign radio amateurs. The League's instant reply comments address two comments filed in this proceeding in particular. For its reply comments, the League states as follows:

**I. Introduction**

1. There have been no comments filed to date in this proceeding which appear in the Commission's public reference room files which oppose the facilitation of foreign amateur operation in

the United States by means of the *Inter-American Convention on an International Amateur Radio Permit*, AG/doc.3216/95 (referred to herein as the "IARP Convention"), to which the United States is currently a party, or the *CEPT Recommendation T/R 61-01*, (Nice, 1985, revised, Paris, 1992, and by Correspondence, August, 1992) (herein referred to as the "CEPT Recommendation"). Both of these international agreements were discussed in detail in the League's Comments in this proceeding. The absence of any opposition was expected, due to the nature of this proceeding. The Notice does no more than implement the terms of international conventions to which the United States is, or is in the process of becoming, a party.

2. The status of the United States' participation in the CEPT Recommendation as of this writing is that the Department of State has drafted correspondence, in coordination with the Commission's International Bureau, addressed to the European Radiocommunications Office of CEPT. That correspondence will request initiation of the voting process by which non-CEPT members might participate in the Recommendation. It is anticipated that this process may take as much as several months, during which the Commission will have sufficient time to finalize appropriate regulations in this proceeding to accomplish the implementation of the provisions of the CEPT Recommendation domestically. The Commission is urged to issue a Report and Order in this proceeding, so that there is no delay in fulfilling the United States' obligation to accommodate visiting foreign amateurs following the CEPT voting process.

3. The process by which the United States may participate in the CEPT Recommendation was described in the comments in this proceeding filed by Hon. David Court, Head of ERO, on behalf of the European Radiocommunications Office of the CEPT. Mr. Court appended to those Comments the important information document concerning the participation of non-CEPT administrations in the CEPT amateur licensing system. This document states, in part, that "good experience was gained (following the initiation of Recommendation T/R 61-01) since it proved to lessen the administrative formalities for both amateurs and administrations considerably and in 1992 it was decided to open the possibility for non-CEPT countries to participate in this licensing system. Up to now - November 1996 - Canada, Israel, New Zealand and Peru have joined the arrangements."

## **II. Participating Countries**

4. The ERO comments also made several important points concerning certain specific issues in the implementation of the CEPT Recommendation. First of all, Mr. Court attaches an up-to-date list<sup>1</sup> of the administrations that have implemented the CEPT Recommendation. This list should be substituted for the one set forth at Footnote 5 of the Notice in this proceeding, and it should be used in any Commission Public Notice on the subject. As the League and others noted in comments in this proceeding,<sup>2</sup> there are

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<sup>1</sup> The list is dated 9 December, 1996.

<sup>2</sup> The comments of the British Radiocommunications Agency noted that the UK can only participate in the CEPT Recommendation on behalf of Great Britain, Northern Ireland, the Channel Islands, and

inaccuracies in the Footnote 5 list of participating administrations. It is also noted that Canada has recently joined as the fourth non-CEPT country participating in the Recommendation.

5. On this same subject, relative to the IARP Convention, the list of participants in the CITEL Inter-American Convention (Lima, 1987) is as follows: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Guatemala, Haiti, Mexico, Paraguay, Peru, the United States, Uruguay, and Venezuela. Those countries that have, as of this writing, become signatory to the IARP Convention are six<sup>3</sup>: Canada, Peru, the United States, Uruguay, Argentina and Venezuela. The Commission's Public Notice(s) on this subject should reflect the current list.

### **III. The Period of Validity of CEPT License or IARP in the United States**

6. A significant issue in the comments related to the term under which foreign radio amateurs might be permitted to utilize a CEPT amateur license document or an IARP in the United States. The

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the Isle of Man. Dependent Territories of the UK must separately apply to participate in the CEPT Recommendation. In this same respect, as Mr. Court notes, France only participates in the CEPT Recommendation only for France, Corsica, Guadeloupe, Guiana, Martinique, St. Bartholemew, St.-Pierre/Miquelon, St. Martin and Reunion/Dependencies. Accordingly, other French possessions and territories should be deleted from Footnote 5. For the same reasons, the League would note herein that countries such as Bermuda, the Cayman Islands, Montserrat, Hong Kong and others should be deleted.

<sup>3</sup> The CITEL Annual Report for 1996 shows five participants in the Recommendation. It is the League's understanding that as of November 7, 1996, Argentina agreed to participate as well, though the finality of such participation is procedurally dependent on registration with the Organization of American States.

League, in its comments, was critical of the Commission's proposed limitation<sup>4</sup>, as were the other commenters. It is universally alleged by the commenters that the means for determining the period during which a CEPT license or IARP is valid for use by non-U.S. citizens proposed in the Notice is not workable and should not be adopted.<sup>5</sup> However, there was no consensus on the term which should be specified. The League had noted that, while the CEPT Recommendation specified no term, instead making reference only to "short visits", the IARP Convention explicitly provides that the IARP will be valid for one year in the visited State Parties (but in no case beyond the date of expiration of the national license of the holder.) The League's comments suggested that it would be improper, and the Commission is without jurisdiction, to modify the terms of the Convention in its agency implementation. Finally, the League noted that current alien reciprocal licenses, which have exactly the same effect, once issued, as the CEPT license or IARP would have, are now and have been issued for periods of one year.

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<sup>4</sup> The Commission had proposed to limit the use of a CEPT license or IARP in the United States to a period not more than 180 days within any five-year period in which the foreign amateur had been to any area regulated by the FCC.

<sup>5</sup> The British Radiocommunications Agency stated that it would "prefer to see a defined period per year and no reference to preceding years. [The Commission's proposal] would seem to be an over complication from the applicant's point of view." That same concern was echoed by the ERO. The ERO, however, was of the opinion that the continuous period during which a CEPT license might be valid in the United States should either be left unspecified to maintain flexibility on the part of the administrations, or else limited to a short period, on the order of three or four months per year.



7. The ERO notes that the common understanding among participants in the CEPT Recommendation of the meaning of "short term visits" is "three to four months." However, somewhat anomalously, ERO notes that the use of the term "short term visits" in the Recommendation, in lieu of a more precise definition, is in order that the "system may be kept as flexible as possible." For those amateurs who wish to stay in another country and operate for "longer stays or a couple of years", ERO notes that CEPT has a separate Recommendation, T/R 61-02, in which participating countries in that Recommendation recognize each other's amateur examinations, and issue longer-term licenses in recognition of them. That recommendation, however, requires participation in an examination harmonization process. The United States has no proposal at the present time to participate in that Recommendation.

8. The Radiocommunications Agency of Great Britain states that it would prefer to see a defined period per year during which a CEPT license held by a foreign radio amateur would be valid in the United States, and no reference to its use, or the radio amateur's visit, in preceding years.

9. The League's intention, and the intention of all concerned, is to permit operation pursuant to a CEPT license or an IARP during limited-term periodic visits, but not to allow those documents to substitute for a regular amateur license issued pursuant to examination in the case of a long-term visitor. Nonetheless, the League continues to suggest that the proper period of validity of a CEPT license or IARP in the United States is one year. That

maximum term is what is currently permitted for alien reciprocal permits here, and the term specifically provided for in the IARP Convention. It permits significant flexibility, which is an obvious goal of the CEPT Recommendation as well, and the League knows of no reason to suspect that there might be any significant abuse by foreign radio amateurs of the period of validity of the document.

#### **IV. The CEPT and IARP License Documents**

10. The Commission's Notice proposed that, in order to avoid the need to modify amateur license documents to be issued to United States' citizens who wish to travel overseas and operate pursuant to the CEPT Recommendation or the IARP Convention, upon implementation of those agreements, it would issue a public notice, which, together with the United States citizen's amateur license and proof of citizenship, would be sufficient to constitute license documents. Further, the Commission's Notice expressed no intention to regulate the issuance of IARPs, and indicated agreement with the League's plan to issue such to international travelers who are licensed radio amateurs and United States citizens.

11. However, the comments of the ERO reminded the Commission that the CEPT Recommendation includes the requirement that certain provisions must appear in the license document of the participating country, or alternatively in a separate document. These include the following, stated in each of the French, German and English languages:

A) a declaration, according to which the holder is authorized to utilize his or her amateur station in accordance with the CEPT Recommendation in countries where such applies;

B) the call sign;

C) the CEPT license class;

D) the term of validity; and

E) the issuing authority.

While these criteria may have been created initially with the issuance of a single license document in mind, just as the CEPT license documents are prepared, it would certainly appear that there is no inconsistency between these CEPT requirements and the Commission's proposal to issue a public notice, to be carried by the United States amateur, pursuant to which he or she may operate in a country that participates in the CEPT Recommendation and which has agreed to recognize the participation of the United States<sup>6</sup>. The Public Notice would include, in the requisite three languages, the foregoing items, stating the means by which a United States radio amateur would operate, perform station identification, determine the period of validity of the his or her operating authority, and the privileges accorded based on the amateur radio license class appearing on the United States license document, Form 660. In order to provide complete data in the public notice, however, the public notice should contain, in addition to the

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<sup>6</sup> This is an important condition; non-CEPT countries which participate in the CEPT Recommendation do not, absent a separate bilateral or multilateral agreement, accord operating privileges to other non-CEPT countries which participate in the CEPT Recommendation. The Public Notice must be carefully stated in this respect.

foregoing information, the format of the FCC Form 660 license document, with translations of the entire English language content of that Form into French and German. Absent that translation of the Form 660, all of the information called for under the CEPT Recommendation would not be provided. If that is accomplished, however, then certainly any further formalities would serve no useful purpose. It is important to keep in mind the principal goal in this proceeding, which is to eliminate unnecessary formalities to accommodate amateur "roaming". In any case, however, the issue of the license document and the accompanying public notice is perhaps best left to the United States Department of State, which is currently working with the ERO to firm up the United States' participation in the CEPT Recommendation, including the terms pursuant to which participating countries would recognize the United States' license documents.

#### **V. The Table of Equivalencies**

12. Finally, the ERO comments postpone any discussion of Paragraph 12 of the Commission's notice, which indicates what privileges should be accorded foreign radio amateurs operating in the United States. The Commission tentatively concluded that the CEPT (and IARP) Class 1 licensees (or permittees) equate to the United States Amateur Extra Class license, and the Class 2 license equates to the Technician Class operator license. Therefore, that simple equivalency is proposed for use in the United States. A formality of the ERO application, however, is the submission of an

examination syllabus to the ERO with the application for participation in CEPT, and it is proper that the ERO should address the issue of equivalencies from the perspective of United States' licensee's operator privileges in foreign countries in its normal course of evaluation of the United States' request to participate. For the purposes of this proceeding, the League wholeheartedly agrees with the table of equivalencies proposed in the Notice at Paragraph 12, and proposed Section 97.301(a) and (b) in the Appendix to the Notice.

## **VI. Conclusions**

13. Upon review of the comments filed in this proceeding to date, the League has noted no opposition to the Notice proposal, which is proper in view of the nature of this proceeding. The Commission should finalize the rules in this proceeding as proposed, save for the determination of the term of validity of CEPT licenses and IARPs held by foreign citizens in the United States. The Commission must honor those documents for a period of one year or during the term of the license issued by the home country of the holder, whichever is shorter. While there is some logic to a shorter term, the proposed one-year term of each document is consistent with the current alien reciprocal permit, and with the requirements of the IARP Convention. Also, the Commission should closely examine its proposed Public Notice to insure that it contains a correct list of participating countries that recognize United States CEPT Recommendation participation, and

IARP Convention participation, and all of the requisite elements required for CEPT documentation.

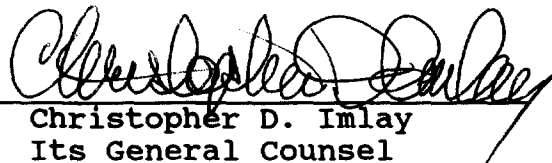
Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission finalize the rules in this proceeding and issue a Report and Order at an early date, subject only to the foregoing and to the finality of the arrangements, now underway, for the United States' participation in the CEPT Recommendation T/R 61-01.

Respectfully submitted,

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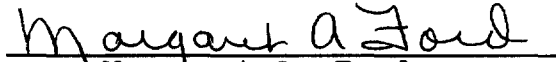
January 13, 1997

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret Imlay & Tepper, P.C., do certify that copies of the foregoing Reply Comments of The American Radio Relay League, Incorporated, were mailed this 13th day of January, 19976, via U. S. Mail, postage prepaid, first class, to the offices of the following:

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